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PARTICIPATION OF RELIGIOUS BROTHERS
IN THE EXERCISE OF AUTHORITY
IN CLERICAL RELIGIOUS INSTITUTES

INTRODUCTION

On 18 May 2022, Pope Francis announced a rescript which provided that religious brothers can hold the office of a local superior, as well as of a major superior and supreme moderator. The rescript is intended for clerical institutes.¹ By the 1969 decree, *Clericalia Instituta*,² the Holy See allowed religious brothers to sit on the councils of superiors of religious houses, provinces, and institutes. However, the decree explicitly reserved that they were not to be nominated superiors of institutes or their substitutes. The regulation was upheld in Can. 588 § 2 of the 1983 Code of Canon Law.³ The relevant provision says clearly that clerical institutes are under the governance of clerics. Fewer vocations as well as the changing personnel conditions in religious institutes and societies of apostolic life

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¹ Rescript on the dispensation from Can. 588 § 2 CIC, <https://www.zyciezakonne.pl/dokumenty/kosciol/franciszek/franciszek-listy-oredzia-przeslania/2022-05-18-rzym-reskr-ypt-dotyczacy-derogacji-kan-588-%C2%A72-kpk-125687/amp/> [last access: 11.04.2023].

² *Sacra Congregatio pro Religiosis et Institutis Saecularibus*, Decretum de ratione qua sodales laici regimen Institutorum religiosorum clericalium participare possint *Clericalia Instituta* (27.11.1969), AAS 61 (1969), pp. 739-40.

³ *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus* (25.01.1983), AAS 75 (1983), pars II, pp. 1-317 [“CIC/83”].

called for a new approach. Diverse composition, ageing communities, especially the clergy members, created certain challenges for clerics to fill the positions of superiors. For many years, various institutes sought permission of the Holy See to authorize non-clerics to exercise the office of a local (house) superior. The Holy See would respond with great care and would accommodate the requests on a case-by-case basis.⁴ Still, the wording of Can. 588 CIC/83 remained unchanged, and no extra document was issued on the matter. Finally, the rescript of Pope Francis clearly defined the procedure of appointing a non-cleric (religious brother) as superior. This regulation produces certain legal effects in relation to other aspects of ecclesiastical law that are not directly linked to the law of the religious.

1. REQUIREMENTS FOR SUPERIORS UNDER CANON LAW

The Church legislation would always speak clearly about requirements that religious superiors were to comply with. St Benedict and St Francis did so in their time.⁵ Already at the opening of his rule, St Benedict outlines the preferred qualities of abbots. The approach of this holy founder of European monasticism is deeply theological. The principle confirmed in CIC/83 encourages not to ignore the position of faith. The abbot of a monastery should be seen as the representative of Christ. The concept of authority according to St Benedict obliges the head of the monastery to imitate God in every aspect of life and work. The exercise of authority is done by teaching, making rules, and giving instructions. This concept of the exercise of authority in religious institutes is still present in the ecclesiastical legislation. Superiors' authority is asserted across the three facets of Christ's mission: priest, prophet, and lord, and through the

⁴ The author is a member of a clerical institute and has participated in a number of discussions held during the general chapters on the possibility of appointing non-clerics as superiors. Those seeking such a decision of the Holy See also pointed to the expectations of other clerical institutes. The superiors general continued to inquire at the Holy See whether such a solution would be feasible.

⁵ "Św. Benedykt, Reguła nr 2," in: *Reguła Mistrza. Reguła św. Benedykta*, Tyniec 2006; Congregation of Institutes of Consecrated Life and Societies of Apostolic Life, The Service of Authority and Obedience *Faciem tuam, Domine, requiram* Instruction (11.05.2008) ["FT"], https://www.vatican.va/roman_curia/congregations/ccsclife/documents/rc_con_ccsclife_doc_20080511_autorita-obbedienza_en.html [last access: 11.04.2023], nos 11-12.

tasks of teaching, leading, and sanctifying.⁶ Speaking of St Benedict, abbot's ministry should always seek God's justice and love. The abbot should first teach by his own deeds, thus setting an example to those who have been entrusted to his care. This requirement is reiterated in Can. 619 CIC/83, "They are to be an example to the members in cultivating virtue and in observing the laws and traditions proper to the institute." When overseeing the community and the individual brethren, the abbot should treat everyone fairly and show no favouritism. In forging their relationships, the brethren should remain indifferent to their descent or social rank. As regards the requirements concerning teaching, the abbot is obliged to share knowledge with those monks who are able to comprehend it. The proclamation of God's truths should be made in accordance with the instruction contained in 2 Timothy 4:2 – convince, entreat, rebuke, "Preach the word; be prepared in season and out of season; correct, rebuke and encourage with great patience and careful instruction." One of the tasks of superiors, explicitly named in Can. 619, is "to chide the restless." The ecclesiastical legislator emphasizes that superiors in each institute retain the authority to decide (Can. 618 CIC/83).⁷ The duty to rebuke the members of the community and instil religious discipline is invariably one of the essential duties of the superior. Therefore, he cannot be indifferent to monks' conduct if they fail to follow the rule or cause scandal. When judging the brethren, the abbot must consider their posture over a longer period. This is the reason for drawing a distinction between the hard and the proud, on the one hand, and the more dignified and the intellectually minded. When meting out punishments and taking disciplinary decisions, the superior should look at the monk's previous attitude. This should be referenced in any disciplinary action. This possibility is also indicated in Can. 695 CIC/83 [Wróbel 2021, 53-54]. In the exercise of his authority, the abbot should be open to dialogue. Council is where institutional dialogue takes place in a monastery. According to St Benedict, council should gather the whole community, and the counsel of the brethren should be

⁶ Sacra Congregatio pro Religiosis et Institutis Saecularibus, Sacra Congregatio Pro Episcopis, Notae Directivae pro mutuis relationibus inter episcopos et religiosos in Ecclesia *Mutuae relationes* (14.05.1978), AAS 70 (1978) pp. 473-506 ["MR"], nos 13-14; FT 9, 14c, 20; Szewczul 2010, 67-81.

⁷ Ioannes Paulus PP. II, Adhortatio apostolica post-synodalis de vita consecrata eiusque missione in Ecclesia ac mundo *Vita consecrata* (25.03.1996), AAS 88 (1996), pp. 377-486 ["VC"], no. 43.

heard. When discussing the matter, the brethren should speak with subjection and humility and should not take advantage of their age or period of ministry (Chapter 3). After each of the brethren has presented his position, the final decision should depend upon the abbot's discretion. The abbot's decision should be obeyed by everyone (Chapter 3).

At the beginning of the Rule of St Francis, ministers are tasked with overseeing those who wish to join the monastic community. Some of the key requirements are: the Catholic faith and the recognition of the sacraments of the Church. If they believe all these things and desire to observe them faithfully and firmly till the end, and if they have no wives, or if they do, their wives have already entered a convent, or having taken a vow of chastity, this permission has been granted to them by authority of the bishop of the diocese, and the wives are of such an age that it is not possible that suspicion arise concerning them, let them [the ministers] say these the words of the Holy Gospel (cf. Matthew 19:21) that they go and sell all their goods and strive to distribute them to the poor.⁸ Item 8 of the Rule of St Francis provides for the election of the minister general. His task is to rebuke the brethren with humility and love, with the aim of improving their conduct. The minister is obliged to accept brethren who demonstrate readiness to convert.⁹ The content of the rebuke was and is to abandon the path of pride, vainglory, envy, covetousness (cf. Luke 12:15), the cares and solitudes of this world (cf. Matthew 13:22), detraction and murmuring.

Another duty of the superior cleric is to impose penance on the brethren. Chapter 7 of the Rule reads, "Indeed let the ministers themselves, if they are priests, with mercy enjoin upon them a penance; if indeed they are not priests, let them have it enjoined by other priests of the order, as it will seem to them to better expedite [the matter] according to God. And they should beware, not to grow angry and become upset on account of the sin of another, since anger and upsetness impede charity in themselves and in others." In other words, these domains of monastic life are in the hand of the superiors and at their prudent discretion.

How authority is exercised in religious institutes is subject to reflection in ecclesiastical documents. An interesting view on authority is proposed

⁸ Rule of St Francis, <https://www.ofmcap.org/pl/regola-di-san-francesco>, no. 2.

⁹ Rule of St Francis, No. 10. The same issues are also addressed in the documents of the Church cited above.

by the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life in their document, *New Wine in New Wineskins*. The document discusses the structure of authority and centralization and decentralization. The congregation also highlights certain negative practices as well as reminding of ministry embedded in the exercise of power.¹⁰ The question of the power in the context of clericalization of consecrated life was also emphasized. For centuries, it had a significant impact on the legal position of religious orders and, later, religious congregations. The need for a revised approach to the exercise of power or building relationships in the religious community [Zarzycka 2023; Skorupa 2010, 209-20] does not link directly to the power of order. Hence the inescapable conclusion that the power of order does not form the essence of religious life since the vocation to become a monk comes directly from baptism. The supremacy of clerical thinking has been criticized as deprecatory. This clericalization of religious life has produced an adverse effect on the number of non-clerical institutes and the status of non-clerics in clerical institutes. The pastoral activity of religious clerics in diocesan structures at the expense of community life raises concerns (*New Wine in New Wineskins*, No. 23). Therefore, looking at the monastic life through its tradition and apparent frictions between religious priests and non-clerics call for the legal regulation of the rights and competences of monks who are not clerics.

2. REQUIREMENTS FOR SUPERIORS IN THE CURRENT TEACHING OF THE CHURCH

In Can. 589 CIC/83, the ecclesiastical legislator provides that the state of consecrated life is neither clerical nor secular by its very nature. In other words, it is an autonomous state available to all baptised Catholics. This is clearly worded in Can. 574 CIC/83 and Can. 399 of the Code of Canons of the Eastern Churches,¹¹ where it says that a cleric is a man who

¹⁰ Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, *New Wine in New Wineskins*. https://www.geweihtes-leben-bistum-muenster.de/fileadmin/user_upload/jdgl/downloads/2019/2019-05-06-New-wine-New-wineskins.pdf ["NWNW"], nos 3 and 7; Szewczul 2010, pp. 75-76.

¹¹ *Codex Canonum Ecclesiarum Orientalium auctoritate Ioannis Pauli PP. II promulgatus* (18.10.1990), AAS 82 (1990), pp. 1033-1363 ["CCEO"].

has been administered the holy orders, whereas *laicus* is one who is neither a cleric nor a religious person.¹² This introduction will enable the understanding of the significance of the Church's position on the requirements imposed on superiors. The Instruction of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, *Faciem Tuam, Domine, Requiram*, does not basically address the question of the power of order in the exercise of superior's ministry. The aspects of responsibility for the community and its property, creating an atmosphere favourable to dialogue, or concern for the preservation of one's own rightful autonomy are discussed. In addition, the *motu proprio* of Pope Francis, *Vos Estis Lux Mundi*, specifies that supreme moderators are responsible for taking action to investigate the sexual abuse of their subordinates.¹³ The term "ordinary" is not used deliberately in the context of discipline of the religious, instead there is *supremus moderator* or *superior maior*. This is to respect the canon law terms which are crucial in the governance of a religious institute. The term "ordinary" from Part III of Book II, CIC/83, is not in use. Reference to Can. 134 § 2 is to supplement an area of religious life concerning the authority of the ordinary. Other books, which regulate broader areas than the consecrated life, elaborate on the power of the ordinary in strictly defined matters. Specific areas of religious life and superior's responsibility do not require the power of order. Hence, the institutes of religious brothers and sisters are guaranteed legitimate autonomy in the domain of governance and discipline. The provision of Can. 588 § 2, which says that clerical institutes are under the governance of clerics, testifies to the fact that clerical institutes, and their clerics, are of particular significance. Obviously, the founder's intention concerning the apostolate through the performance of sacred ministries is relevant for the vocation of individuals, yet it does not constitute an integral element of the status

¹² "In this Code, the name of lay persons is applied to the Christian faithful whose proper and special state is secular and who, living in the world, participate in the mission of the Church, and are not in holy orders nor enrolled in the religious state" (Can. 399 CCEO). The wording of this canon corresponds to No. 31 of the Dogmatic Constitution on the Church *Lumen Gentium*: "The term laity is here understood to mean all the faithful except those in holy orders and those in the state of religious life specially approved by the Church." A similar line of thought is seen in No. 31 VC which highlights the specific nature of the missions of lay, clergy, and consecrated persons.

¹³ Francis, Apostolic Letter issued *Motu Proprio Vos estis lux mundi* (07.05.2019), https://www.vatican.va/content/francesco/en/motu_proprio/documents/papa-francesco-motu-proprio-20190507_vos-estis-lux-mundi.html [last access: 11.04.2023], no. 6.

of consecrated persons. Ministries, which do not require the holy orders, may be carried out by persons who have not committed themselves to professing the evangelical counsels. Similarly, sacred ministries can be performed by clerics without religious profession. Religious profession and consecrated persons are a gem in the life of the Church, as Pope John Paul II teaches in the Exhortation *Vita Consecrata*.¹⁴

However, the place and ministry of consecrated persons is yet a different question than the exercise of governance. The clear provision of Can. 129 CIC/83 on ecclesiastical governance is in line with Can. 596 § 2 and concerns clerical institutes of pontifical right. The fact of receiving the holy orders is therefore not the only criterion for the exercise of such authority by chapters and superiors: the criterion of approval also needs to be met. Under Can. 596 § 1, superiors and chapters have authority defined in the universal law and in the constitutions. Such an approach to authority in religious institutes needs a more careful exploration with a view to ensuring a better functioning and effective testimony of consecrated persons. The process of participation of religious brothers in governance in clerical institutes, as discussed below, is proof that the Church used to seek renewal in this respect. This renewal continues, and Pope Francis' decree on the exercise of the office of superior by a non-cleric testifies to it. The NWNW invites reflection both in religious institutes as well as in the entire Church, the latter also expecting individuals from outside religious institutes to cooperate (No. 49). Apparently, this is articulated in Can. 642: superiors are allowed to hire experts to establish candidates' disposition. In Can. 665 § 1, the ecclesiastical legislator, as well as the Dicastery of the Roman Curia in the instruction, *Cor Orans*,¹⁵ allow recourse to medical care to save the health of religious persons. In the investigation of crimes, it is necessary to cooperate with the law enforcement authorities

¹⁴ "Its [the consecrated life] universal presence and the evangelical nature of its witness are clear evidence – if any were needed – that the consecrated life is not something isolated and marginal, but a reality which affects the whole Church. The Bishops at the Synod frequently reaffirmed this: *de re nostra agitur*, "this is something which concerns us all." In effect, the consecrated life is at the very heart of the Church as a decisive element for her mission, since it "manifests the inner nature of the Christian calling" and the striving of the whole Church as Bride towards union with her one Spouse" (VC 3).

¹⁵ *Congregatio pro Institutis Vitae Consecratae et Societatibus Vitae Apostolicae, Instructio applicationis Constitutionis Apostolicae «Vultum Dei quaerere» de vita contemplativa feminarum Cor orans* (01.04.2018), AAS 110 (2018), pp. 814-64, no. 200.

of the country in which the crime was committed. There is an open suggestion concerning the participation of laity in court proceedings concerning economic matters. The documents of the Church abound in comments on the participation of the Church hierarchy and lay experts in decisions concerning financial plans, investment projects, or alienation. This kind of assistance can benefit the institute and the Church. Religious superiors are competent to make decisions on the matter discussed above.¹⁶

Governance autonomy requires that the superior be a member of the institute. In the monastic history of the Church, this fact has always been of great importance, which is also corroborated by the monastic rules cited at the beginning of the paper. In certain periods, some monasteries had the function of a lay abbot (commendatory abbot) [Skorupa 2019, 1270-271], but the institution has not entered into the ecclesiastical legislation permanently. The appointment of superiors from among the members of an institute is to perpetuate tradition, heritage, and identity of the institute. For this reason, the idea of admitting the governance of clerical institutes by non-clerics is an expression of respect for religious life and the unique character of each institute. It is the professed religious in the institute who understand and sense the charism of the institute and its place in the Church. Increasing the governing competence of clerical institutes is to show respect for their autonomy within the boundaries of canon law, which is very clear about this particular matter.

3. PROPOSALS FOR THE APPOINTMENT OF NON-CLERICS AS SUPERIORS IN RELIGIOUS INSTITUTES

In the Post-synodal Apostolic Exhortation *Vita Consecrata*, Pope John Paul II clearly defines the attributes of clerical institutes and the institutes of religious brothers (non-clerical). As for the latter, the pope confirms the possibility of ordination of their members, and that the superior must determine the nature of the institute. In the case of clerical institutes, the exercise of the priestly ministry is a constitutive element of this

¹⁶ The permission granted to the members of clerical institutes by the religious ordinary is within the remit of the competent superior in secular institutes (see Can. 285 § 4 and Can. 672).

institute, which, on the other hand, requires the institute to remain governed by clerics (VC 60).

Further, there are some proposals for resolving the problem of holding the office of superior by non-clerics (VC 61). Pope John Paul II discusses the idea of mixed institutes, which are not mentioned in CIC/83. The return to the original charism of the founder results in a departure from the clerical domination in the institute. Priests and those who are not priests should be considered equal. In 1996 a commission was established to examine the matter. However, the author of this paper has no knowledge of any institute recognized by the Holy See as mixed.

3.1. Procedure for appointing a non-cleric as superior

The papal rescript fails to name the reasons or conditions for the appointment of a religious brother to the office of superior. However, the author points out that the document can be applied to individual cases. To appoint a person who has not received holy orders as superior is a deviation from universal laws and the institute's own law. The constitutions of individual institutes lay down the requirements for superiors. The general wording of Can. 623 reads that to become a superior, a religious must be the member of the institute and must be perpetually professed. However, it leaves institutes room to define other criteria for candidates for superiors.¹⁷ What naturally follows, in clerical institutes the criterion of being ordained priest is very important and still valid. It should also be noted that Can. 586 recognizes a true autonomy of the institutes of consecrated, particularly of governance. The regulation continues in Can. 625, according to which superiors are appointed in accordance with the constitutions: designated by canonical election or nominated, subject to Can. 625 § 3 which requires that the election be confirmed and the appointment consulted beforehand. It should also be noted that the provision of Can. 619 is still valid: only those should be elected or nominated who are considered worthy and fit before God.

Therefore, the rescript of Pope Francis concerns not only Can. 588 but also the provisions of own law of clerical institutes. The rescript provides

¹⁷ "In order for members to be appointed or elected validly to the function of superior, a suitable time is required after perpetual or definitive profession, to be determined by proper law, or if it concerns major superiors, by the constitutions" (Can. 623).

specific criteria for the nomination of superiors of different degrees. It is important to note that the election or appointment of a non-cleric as superior requires a legitimate reason. It must be submitted to the Dicastery for Institutes of Consecrated Life and Societies of Apostolic Life. The Holy See announces careful analysis and investigation of the matter if a non-cleric is nominated as major superior. If a religious who is not a cleric is made a local superior, this decision is reserved to the supreme moderator and requires the consent of his council. Speaking of the institute's own law, in the institutes made up of provinces, the decision is made by the major superiors and sometimes by the chapters. The appointment of a non-cleric as superior of a province or equivalent unit requires the prior written permission of the Dicastery for Institutes of Consecrated Life and Societies of Apostolic Life. The relevant request is filed by the supreme moderator with the consent of his council. If a non-cleric who has not been ordained priest is elected supreme moderator or major superior, he must be approved in writing by the Dicastery. The remaining conditions of holding the office will be met. Particular attention should be paid to the time and performance of the office.

3.2. Contentious issues: major superior as ordinary

The new legal situation brought about by the papal rescript concerns, on the one hand, the areas of governance in religious institutes, and, on the other, the relationship between the communities of the universal Church and particular Churches. In clerical institutes, the major superior is the ordinary, which allows him to exercise certain powers in the community of the Church. The requirement contained in Can. 588 § 2, according to which, a clerical institute is under the governance of clerics, makes the regulation consistent. The option of nominating a non-cleric requires attention in order to avoid misunderstandings.

A religious superior makes various decisions that fit a religious institute. Some of them require the power of order and some not. According to Can. 606, whatever is provided in CIC/83 for consecrated persons is equally valid in law for both sexes, unless it is otherwise clear from the context or from the nature of things. Authority resulting from holy orders, which are reserved exclusively for baptised men, is a natural follow-up. However, there are decisions for which the power of order is not required. Some of

the examples are: admission to the novitiate, admission to profession, establishment of a religious house, establishment of a novitiate house, or consent to alienation [Skorupa 2012, 815-25, Stokłosa 2012, 849-67]. For decision on such matters, the power of order is not required. Another question is the power of the superior to absolve sins in a confession by the virtue of the law. This power can be exercised towards the members of the institute and all those who stay in the house day and night. Obviously, if the superior is not a priest, such authority will not be given. As regards admission to holy orders or the granting of dimissorial letters,¹⁸ such competence is held by the superior and not by the ordinary.

In his rescript, Pope Francis made it clear that by derogating from Can. 588, Can. 134 § 1 remains valid. It says that the ordinary can mean, among other things, superiors of clerical religious institutes of pontifical right and of clerical societies of apostolic life of pontifical right. This approach is extended by Can. 596 § 2 which gives the major superiors of clerical institutes of pontifical right ecclesiastical authority to govern. The same prerogative is also awarded to chapters. In the performance of his duties, the superior ordinary should enjoy the power of order. Therefore, performing such acts as founding a chapel in a religious house, closing a chapel, founding the Way of the Cross, or introducing the ministry of readers and acolytes requires the ordinary to have the power of order. Another example is liturgical books: their blessing needs to be done by a cleric.

The administrative authority of the superior ordinary is an interesting area. In response to the Dicastery for Legislative Texts, priority to decide whether a cleric may celebrate the Eucharist twice a day is the religious ordinary's in a situation where the priest in question is neither a pastor nor a vicar. In this case, however, broad interpretation of Can. 134 § 1 allows the use of "ordinary" and major superior interchangeably.¹⁹

¹⁸ "The major superior of a clerical religious institute of pontifical right or of a clerical society of apostolic life of pontifical right is competent to grant dimissorial letters for the diaconate and the presbyterate to their subjects who are enrolled perpetually or definitively in the institute or society according to their constitutions" (Can. 1019 § 1).

¹⁹ Pontificia Commissio Codicis Iuris Canonici Authenticae Interpretando, Responso (20.02.1987), AAS 79 (1987), p. 1132.

CONCLUSION

The regulation concerning the exercise of power by superiors in religious institutes is determined by the criterion of having received holy orders. In clerical institutes, the offices of superiors and their vicars may be held by clerics. The information contained in John Paul II's *Vita Consecrata* on mixed institutes, which were established as non-clerical and the internal conditions of the Church made them turn clerical, opened the door for such legal solutions that sanction the election or nomination of a religious brother as superior. Pope Francis' derogation from Can. 588 opens up the possibility for religious brothers to fill the office of superior also in clerical religious institutes. Although certain doubts exist, it seems that the long-awaited rescript will be conducive to the effective operation of religious institutes. Also, careful selection of the wording does not affect the clerical character of religious institutes or clerical societies of apostolic life; it is merely a response to the urgent needs of our time. Difficult times sometimes required exceptional solutions. Some practical aspects remain to be agreed, though. Some of them may materialize and some likely not. It is hoped that the Holy See will examine the circumstances before giving consent to non-clerical nominations.

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Participation of Religious Brothers in the Exercise of Authority in Clerical Religious Institutes

Abstract

The paper has been inspired by the rescript of Pope Francis issued as a *motu proprio* on the appointment of superiors in clerical institutes. According to the binding ecclesiastical legislation, such practices used to be prohibited, although the Holy See would grant permissions on a case-by-case basis. The article discusses the idea of exercising authority in religious institutes according to the traditional rules of religious life, referring to St Benedict and St Francis. A serious obstacle to regulating this issue is the exercise of power. Another reason indicated in the rescript is the personnel situation in religious institutes, which makes it impossible for some members of the clergy to serve as superiors due to age and health status. This fact caused requests to the Holy See seeking permission for non-clerics to exercise the office of superiors. A significant attempt to respond to this need is the rescript announced by Pope Francis. It takes account of the existing legal solutions, as well as opening up a certain window of opportunity as regards changes to the structure of power in clerical institutes.

Keywords: clerical institute; governance; exercise of power/authority; superiors; religious brothers

Udział braci zakonnych w sprawowaniu władzy w kleryckich instytutach zakonnych

Abstrakt

Inspiracją do podjęcia rozważań jest reskrypt papieża Franciszka wydany w formie *motu proprio* na temat powierzania urzędu przełożonego zakonnego w instytutach kleryckich. Według obowiązującego ustawodawstwa takie rozwiązania były zabronione, chociaż Stolica Apostolska udzielała pozwoleń do poszczególnych przypadków. W artykule przedstawiono istotę sprawowania władzy w instytutach zakonnych w tradycyjnych regułach życia zakonnego, powołując się na św. Benedykta i św. Franciszka. Poważnym problemem w uregulowaniu przedmiotowej kwestii jest sprawowanie władzy. Kolejną przyczyną wskazaną w dekrete jest sytuacja personalna w instytutach zakonnych, która sprawia, że duchowni nie są w stanie wykonywać zadań przełożonych ze względu na wiek i stan zdrowia. Sytuacja taka była przyczyną próśb kierowanych do Stolicy Apostolskiej o pozwolenie braciom zakonnych wykonywać urząd przełożonego.

Znaczącą próbą odpowiedzi na te pytania jest ogłoszony przez papieża Franciszka reskrypt uwzględniający dotychczasowe rozwiązania prawne, jak również otwierający pewną perspektywę zmian struktury władzy w instytucjach kleryckich.

Słowa kluczowe: instytut klerycki; sprawowanie władzy; przełożeni; bracia zakonni

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